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Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

RICHARD VAUGHN JR, Individually and as
Personal Representative for The Estate of
Teresa Vaughn, Deceased, RICHARD L.
VAUGHN SR, MARJO VAUGHN, LARRY
VAUGHN, DEBRA BLANK, AND VIVIAN
KIMBOL,

Plaintiffs,

v.

KLAMATH COUNTY FIRE DISTRICT No.
1, an Oregon Special District; GREGORY
DAVIS, an individual; MATTHEW
HITCHCOCK, an individual; STEPHEN R.
HEDLUND P.C.; JOHN DOES 1-10, and
JANE DOES 1-5,

Defendants.

No. 1:22-cv-00161

**COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (42 USC § 1983) AND
SUPPLEMENTAL STATE CLAIMS**

DEMAND FOR JURY TRIAL

INTRODUCTION

1. In the afternoon of December 26, 2020, Teresa Vaughn felt out of breath after descending the stairs inside the home she shared with her long-term domestic partner, Vivian Kimbol. Kimbol decided that Teresa should go to the hospital, as she had previously been diagnosed with Covid-19. At 4:02 pm Kimbol called 911 and reported that Teresa was having

difficulty breathing. She let the dispatcher know that Teresa had tested positive for Covid. KCFD1 responded. Seven minutes later at 4:09 pm a single unit arrived with two paramedics. The taller of the two paramedics came just inside the doorway and stopped. He asked Kimbol, “Where is she?” Kimbol said she was sitting “over there,” and pointed to the couch further into the apartment where Teresa was sitting, looking pale and colorless. “She’s having a hard time breathing,” Kimbol added. But the paramedic didn’t go to Teresa and start taking her vital signs or ask how she was feeling. Instead, the paramedic turned back to Kimbol and asked another question: “Can you take her to the hospital?” Kimbol replied, “Isn’t that your job?”

2. The paramedic responded by then turning to Teresa. His question was the only thing either paramedic said to Teresa before she died. He gestured to Kimbol and said, “Can she take you to the hospital?” Teresa was gasping, struggling to talk. She said “Guess so...” Kimbol commented that apparently, she didn’t have a choice. “What do you want?” The paramedic snapped. Kimbol replied, “For you to do your fucking job.”

3. Then both paramedics walked outside, got into their truck and drove away, clearing the scene by 4:15 p.m., six minutes after they had arrived. They drove away after providing no medical care to Teresa; they did not even wait to make sure Kimbol’s car started. Kimbol began driving toward the hospital, approximately nine minutes away. When Kimbol reached the end of the street Teresa slumped over. Kimbol could see that Teresa wasn’t breathing and couldn’t feel a pulse. Kimbol continued driving with one hand on the steering wheel while trying to do chest compressions on Teresa with the other hand. Teresa arrived at the hospital without a pulse. Over the course of four hours the hospital staff restarted Teresa’s heart and stabilized her with a mechanical ventilator, but her brain had been too damaged from going too long without oxygen during the trip to the hospital. After watching Teresa unconsciously fight for her life for hours, her two brothers and sister were left with the decision of either “pulling the plug” or using machines to keep her alive in a vegetative state.

4. The entire family, including Teresa’s beloved nephews and nieces, gathered on a conference call to say goodbye to Teresa. Rick Vaughn Jr. held the telephone to Teresa’s ear, while everyone in the family took their turn telling Teresa goodbye. With great pain Teresa’s brother

Rick and sister Debra Blank then gave doctors the instruction to pull the plug. Having held on long enough to hear from her family one last time, Teresa went into cardiac arrest before the plug was pulled. Teresa died with her family at her bedside, at 9:26 pm, December 26, 2020.

5. Teresa's death was preventable if the paramedics had done their job and checked Teresa's blood oxygen level, taken her vital signs, and transported her to the hospital with oxygen and medical care available the entire time. Instead, they refused to take her to the hospital, refused to come into her home, refused to take her vital signs, did not check her blood oxygen level, and didn't even ask her name. The paramedics did not evaluate, diagnose, or transport Teresa in purposeful disregard for her life.

JURISDICTION AND VENUE

6. This action arises under the Constitution and laws of the United States and jurisdiction is based on 28 U.S.C. Sec 1331, 28 U.S.C. Sec 1343(a), and 42 U.S.C. Sec 1983. This Court has pendent jurisdiction of the state law claims pursuant to 28 U.S.C. Sec 1367.

PARTIES

7. Plaintiff Richard Vaughn Jr. is the duly appointed personal representative of the Estate of Teresa Vaughn, deceased. Teresa Vaughn was born in Eugene, Oregon on November 20, 1958. At the time of her death, Teresa Vaughn was a citizen and resident of the State of Oregon. She is survived by her domestic partner Vivian Kimbol, mother Marjo Vaughn, her father Richard Vaughn Sr., her brothers Richard Vaughn Jr and Larry Vaughn, and her sister Debra Blank. Teresa Vaughn's surviving parents, brothers, sister, and domestic partner Vivian Kimbol are collectively referred to herein as "plaintiffs," "the Vaughns", and "the family."

8. Klamath County Fire District No 1 ("KCFD1") is a rural fire protection district in the State of Oregon. KCFD1 is an Oregon local government entity that is funded by property tax revenues as well as grants from the state of Oregon, and as such acts under color of state law. KCFD1 also receives grants from the United States government, and as such functions as an agent of the Federal government. In 1998 KCFD1 purchased the ambulance service from Merle West Medical Center (now Sky Lakes Medical Center) and has since been the ambulance service

provider for the fire district, including the section of Klamath Falls where Teresa Vaughn resided with Vivian Kimbol. Prior to instituting this action, plaintiffs provided notice of this claim to all defendants pursuant to ORS 30.275.

9. Gregory Davis is the Chief of KCFD1. At all times pertinent Mr. Davis was employed by KCFD1 and acting within the course and scope of his duties supervising and training paramedics and firefighters, as well as developing or setting policy for KCFD1. He is a citizen and resident of the State of Oregon, whom at all times was acting under color of state law.

10. Matthew Hitchcock is the Assistant Fire Chief of KCFD1. At all times pertinent Mr. Hitchcock was employed by KCFD1 and acting within the course and scope of his duties supervising and training paramedics and firefighters, as well as developing or setting policy for KCFD1. He is a citizen and resident of the State of Oregon, whom at all times was acting under color of state law.

11. John Doe No 1 is a paramedic employed by KCFD1, who at all times pertinent was acting within the course and scope of his duties. On information and belief, he is a citizen and resident of the State of Oregon, whom at all times was acting under color of state law.

12. John Doe No 2 is a paramedic employed by KCFD1, who at all times pertinent was acting within the course and scope of his duties. On information and belief, he is a citizen and resident of the State of Oregon, whom at all times was acting under color of state law.

13. John Doe No 3 is the Medical Director employed by or a contracted agent of KCFD1, who at all times pertinent was either acting in the scope of his or her employment or acting within the scope of his or her agency, supervising and training paramedics and firefighters, as well as developing or setting policy for KCFD1. On information and belief, he or she is a citizen and resident of the State of Oregon, whom at all times was acting under color of state law.

14. John Does 4-10 are any other KCFD1 employees or supervisors who were involved in the supervision and training of John Does 1-2, and/or developing or setting policy for KCFD1. On information and belief, they are citizens and residents of the State of Oregon, whom at all times were acting under color of state law.

15. John Does 11-15 are any other medical employees, trainers or policy consultants

who were involved in training paramedics and firefighters or developing or setting policy for KCFD1. On information and belief, they are citizens and residents of the State of Oregon, whom at all times were acting under color of state law.

FACTUAL ALLEGATIONS

Klamath County Fire District No 1

16. For over twenty years KCFD1 has been the sole and exclusive ambulance provider covering the fire district, including the section of Klamath Falls where Teresa Vaughn resided with Vivian Kimbol.

17. KCFD1 is governed by an elected board of five directors, all of whom live inside the district boundaries. The Board of Directors employs the Fire Chief.

18. The Board states that the Fire Chief contributes to policymaking, as well as “implementation, and adherence, and also is responsible to ensure that the services provided not only meet the community’s needs, but also follow legal, ethical and nationally recognized standards.”

19. Chief Greg Davis states in a published letter to the community that “We take great pride in putting others before ourselves, doing our duty courageously, honorably, and respectfully.” He states that “our department is dedicated to providing the best services possible” and doing so by “focusing efforts on professional development [and] training...”

20. In the same letter Chief Davis acknowledges that KCFD1 works in partnership with both State of Oregon and the federal government of the United States of America.

21. All uniformed KCFD1 personnel are licensed EMT’s or Paramedics.

22. KCFD1 publicly states that it “utilizes the latest technology, extensive new hire training and continuing education, plus progressive standing medical orders to ensure our patients receive the best pre-hospital medical care available. KCFD1 EMS providers are equipped with Physio Control LifePak 15 cardiac monitors, Airtraq video laryngoscopes, Stryker Power Cots, and a safe modern fleet of ambulances.”

23. KCFD1’s standing orders directly layout a protocol for non-transport situations, or refusal of treatment. A person is considered a “patient” if “the responding EMR, EMT, or

Paramedic has the duty to act, and the victim meets at least one the following criteria.” The first is “Appears ill, or injured to the EMR, EMT or Paramedic.” The fourth is “Requests an assessment, treatment, and/or transport.” Consent of the patient “is generally implied with the act of calling EMS.” Consent is also implied when “A patient has life-threatening or health-threatening disease or injury that requires immediate treatment, and delay would mean death or impairment.”

24. In the standing order for medical refusal, a KCFD1 paramedic or EMT may only allow refusal of “medical evaluation, treatment and/or transport when all the following conditions are met:” (emphasis in original)

- a. The patient is conscious and alert, and has the freedom to act without undue influence from family or friends; and
- b. The patient medical condition is stable, and thus not subject to the doctrine of implied consent; and
- c. The patient possesses sufficient information about the associated risks and benefits of all treatment options, which include refusal of care; and
- d. The patient has the ability to use this information to make a decision and communicate their choice.

25. According to KCFD1’s Standing Order “Documenting Refusals”, any decision by a patient to refuse transport must be documented by the patient signing the KCFD1’s patient refusal form. The paramedic must document on the form how decision-maker status and competency was determined. The paramedic must also document “the circumstances surrounding the patient refusal, and all actions taken by the EMR, EMT, or Paramedic of the attempted medical treatment.”

26. John Doe #3 is KCFD1’s medical director, who is charged with ensuring that paramedics receive proper training on medical issues and who issues the medical standing orders that KCFD1’s paramedics must follow. On information and belief John Doe #3 failed to ensure that paramedics were properly trained on how to evaluate a Covid positive patient or improperly trained them.

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Teresa Vaughn Goes Without Oxygen During Ride to Hospital

27. Teresa went to the Klamath Tribal Health Clinic because her partner, Kimbol, was a member of the Klamath Tribe and worked at the clinic. At the Tribe facility on Monday, December 21, 2000, Kimbol tested negative for Covid-19, but Teresa's test came back positive. After sleeping and resting for four days, Teresa was feeling much better on Christmas Day. She was able to celebrate Christmas quietly at home with Kimbol, but desperately wanted to be celebrating like usual, with her parents, siblings, nephews and nieces.

28. The day after Christmas, Saturday, December 26, 2000, Teresa was again struggling to catch her breath. Kimbol saw Teresa struggle to descend the stairs in their apartment. Teresa dropped a water bottle, and said she could not catch her breath. Hearing this, Kimbol helped Teresa down the stairs. Teresa said, "I have to call my sister." Kimbol replied, "You call your sister, I'm calling the ambulance." Kimbol then called 911.

29. During the 911 call Kimbol said she was calling due to a "medical" emergency. "She can't get her breath and is having a tough time breathing." The dispatcher asked, "Is she conscious and alert right now, able to answer your questions and making sense?" Kimbol answered "Yes." After confirming names and addresses the dispatcher stated, "I'll get them out as to 894 Homedale Road as soon as I can, Okay."

30. While Kimbol was calling 911 Teresa called her sister and best friend Debra Blank. Teresa had difficult speaking but was able to communicate that she was going to the hospital. Blank could tell that her sister was upset, she tried to keep her calm and told her that everything was going to be okay.

31. Kimbol waited for the paramedics to arrive. Unbeknownst to her, KCFD1 initially dispatched two vehicles, both with EMS personnel aboard. One was unit 3112, a fire suppression engine with three people aboard. The second was unit 3171, an EMS unit with two people aboard. Unit 3112 was cancelled from the call and was again available for service two minutes after being dispatched.

32. When the ambulance arrived only one paramedic, the "Big Guy," was at the door (John Doe 1). Later the second paramedic, the "Little Guy", stood at the door but did not step

inside. (John Doe 2). Both were wearing army style gas masks, with two round cartridges on either side of the mask. The Big Guy stepped into the entryway of the apartment, then stopped and said to Kimbol, “Where is she?” Kimbol gestured to the couch and said “over there. She can’t catch her breath. She’s having trouble breathing.” The Big Guy looked at Teresa and then turned back to Kimbol, saying, “Can you take her to the hospital?” Kimbol replied, “Isn’t that your job?” The Big Guy was looking toward Teresa, who was who was pale and colorless, sitting on the couch wearing her slippers.

33. Kimbol asked the Big Guy, “Aren’t you going to take any vitals?” He replied, “We’re not supposed to exposure ourselves to Covid.” Then the Big Guy asked his only question to Teresa: “Can she take you to the hospital?” Teresa replied by saying, “I guess so... need my jacket.” Kimbol commented that apparently, Teresa didn’t have a choice. “What do you want?” The paramedic snapped at Kimbol. Kimbol replied, “For you to do your fucking job. Why did I even call you if you’re not going to do your fucking job.” The Big Guy said nothing else as Kimbol grabbed a few things including Teresa’s jacket and helped Teresa out to the car.

34. As the Big Guy walked out of the apartment, he passed the Little Guy and said, “The roommate is going to take her.” The Little Guy saw that Teresa was unsteady going down the two front stairs to the walk, so he approached and helped her down the front steps. He and Kimbol together walked Teresa to the car. The Little Guy held Teresa upright while Kimbol opened the passenger-side door. Kimbol got Teresa into the car, but as she stepped in one of her slippers came off. The “Little Guy” helped put it back on and closed the door.

35. Once in the car, Kimbol asked Teresa if she could lift her arm to put on her seat belt. Teresa said “no” and started to cry. That was the last thing she ever said.

36. Vivian and Teresa watched the ambulance turn right and drive off toward the fire house. Vivian then started the car and turned left out of the driveway toward the hospital, approximately nine minutes away. When Kimbol reached the end of the street Teresa slumped over. Kimbol continued driving with one hand on the steering wheel while trying to do compressions on Teresa with the other hand. Teresa arrived at the hospital without a pulse.

37. The Big Guy and the Little Guy directly observed that Teresa could not walk

steadily, they were repeatedly told that Teresa was having difficulty breathing, and they were repeatedly asked to do their job and drive Teresa to the hospital. Despite all that, the KCFD1 employees did not use a stethoscope to check Teresa for a pulse, or even touch her neck or wrist. They did not place a pulse oximeter on Teresa's finger to check her blood oxygen level. They did not ask Teresa or Kimbol to sign any document refusing transportation. They did not explain the risks of self-driving to the hospital.

38. When Vivian Kimbol pulled her car directly up to the emergency room doors at Sky Lakes Medical, she started honking. A woman came out and started to say something, but Kimbol yelled "She's not breathing!" The woman finished her sentence, yelling partly over Kimbol, "This is the ambulance section." Kimbol yelled back "Well they're not coming!"

39. The woman ran back inside, and a man ran out with an oxygen tank. He put an oxygen mask on Teresa and the staff put her on a cart and wheeled her in. Although Kimbol had tested negative for Covid, she remained outside just in case she was a carrier. Kimbol called Teresa's sister, Debra Blank, so that Teresa could have someone inside with her. Kimbol moved her car and waited for Blank to arrive. Kimbol spoke with one hospital employee who came out to take down information about Teresa and her insurance. After Blank arrived and went inside, Kimbol texted Blank and let her know that she was going to go wait at home rather than in her car.

40. Although Teresa avoided going to the doctor, she never missed work and did not otherwise get sick. She loved camping and hunting and playing bingo with her family and spending time with her beloved nephews and nieces. Aside from a knee that sometimes bothered her, she lived her life free of any serious medical conditions.

41. However, when Blank arrived at the hospital she was shocked to find herself in a hallway watching through a glass window as hospital staff administered CPR and revived Teresa. The doctor came out into the hall and asked Blank if Teresa had a do-not-resuscitate order. Blank did not know, so the doctor asked, "do you want us to keep doing this?" Blank told the doctor to keep Teresa alive until her brothers could help with the decision, as she could not make it alone. Blank called her brother Rick Jr, who immediately came to the hospital and joined her in the hall of hospital outside the room where they could see Teresa. Rick Jr called his brother Larry Vaughn,

who stayed on the line hearing and being a part of everything.

42. Together the siblings saw and heard the hospital staff continue a cycle stabilizing Teresa, only to have her again go into cardiac arrest, and the medical staff again reviving her and trying to get her stabilized. Through the glass they observed this cycle continue five times over a grueling four hours. They were watching their sister die.

43. When the hospital staff had stabilized Teresa, the doctor had a CT scan done. The doctor explained the results to the family: Teresa experienced too much brain damage en route to the hospital to ever recover. He said they needed to make a decision about “pulling the plug.”

44. During this time Blank had been calling and texting Kimbol, giving her updates and asking what Teresa would want as far as life support. Kimbol told Blank that Teresa did not want to be on a ventilator, and actually did not want anyone at all to see her in the hospital.

45. Teresa’s mother and father, Marjo Vaughn and Rick Sr, were at Rick Jr’s house receiving updates through Rick Jr’s wife Lisa Vaughn, who was at the home with them.

46. The family told the doctor that they knew Teresa would not want to live on machines. So, they told the doctor that if Teresa’s heart did stop again, the hospital staff was not to resuscitate her. The siblings called Lisa Vaughn at Rick Jr’s house and told Lisa. With the help of her adult children Heidi and Taylor Vaughn, Lisa told Teresa’s mom and dad that their daughter’s brain was no longer viable, and that if they wanted to tell her goodbye they needed to do it right away.

47. Rick Vaughn Sr and Marjo Vaughn, mom and dad, said their goodbyes to Teresa first. Then other family members took turns saying goodbye, including her brothers and sister, nephews, nieces, and sisters in law. The nephews and nieces later said how horribly painful it was for Rick Sr and Marjo to say goodbye to their daughter.

48. Teresa’s heart did stop again, and she died with all her siblings nearby.

49. As a result of the fault and liability of the defendants, and each of them, Teresa Vaughn underwent conscious physical and mental pain and suffering prior to her death, witnessed directly by each of her siblings and her partner Vivian Kimbol.

50. The actions of KCFD1 callously disregarded Teresa Vaughn’s physical safety, and

foreseeably caused emotional distress to plaintiffs Vivian Kimbol, Rick Vaughn Sr, Marjo Vaughn, Rick Vaughn Jr, Debra Blank, and Larry Vaughn.

KCFD1 Visits Kimbol After Teresa's Death

51. The next night, December 27, 2020, Kimbol was in her apartment when there was a knock at the door. It was the Fire Chief, Greg Davis with Deputy Chief Hitchcock. Chief Davis asked what happened and Kimbol told him the whole story from the night before, including how she had told the KCFD1 paramedics that she wanted them “to do your fucking job” and take Teresa Vaughn to the hospital in their ambulance. Kimbol told Mr. Davis that she was “pissed” because “isn't that you guys' job?” The Chief asked Kimbol to describe the two KCFD1 employees who had been dispatched to help Teresa the day before. When Kimbol described the Big Guy, the man standing next to Chief Davis had a look of recognition on his face. When she described the Little Guy, Chief Davis and the other man looked at each other and said, “We know who that is.”

52. Then Chief Davis asked Kimbol, “Well, what do you want?” Kimbol replied, “What do you mean what do I want? I want you people to do your fucking jobs. I don't want this to happen to anyone else.” Chief Davis repeated “I'm so sorry” multiple times to Kimbol. Before leaving, Chief Davis said that they would investigate what happened, but she never heard back from them about what they learned. Assistant Chief Hitchcock also said he would send a text message to Kimbol, so that she would have his phone number “if you want anything.”

53. Kimbol shared the phone number with Teresa Vaughn's brothers, Rick Vaughn Jr and Larry Vaughn. In January Larry Vaughn followed up with Hitchcock about KCFD1's “investigation” into what happened. Hitchcock responded to Larry Vaughn via text message, stating, “The investigation was just assigned yesterday” and “I'm happy to communicate with the family as the process unfolds but this will take a couple of weeks.” Larry Vaughn requested that the investigation be independent. When Hitchcock replied asking what he meant by “independent” Larry Vaughn stated that the investigation should be done by someone outside of KCFD1 and not by another KCFD1 employee.

54. Several weeks later Hitchcock wrote to Larry Vaughn again via text message, stating “We've completed a case review of the incident in question and were able to include our physician

advisor. Although I'm not at liberty to discuss the outcome of our review due to HIPAA regulations." This was a knowingly false statement, as HIPAA only applies to medical treatment, which KCFD1 refused to provide to Teresa Vaughn, and can be waived by family members of a deceased person.

55. In January of 2021 after Hitchcock promised to give a copy of KCFD1's investigation to the family but then refused based on knowingly false reasons, Rick Vaughn Jr sent a public records request to KCFD1 seeking a copy of documents related to Teresa's death, including the investigation. KDFD1's attorney, Stephen R. Hedlund, replied on February 1, 2021. Hedlund would not confirm that any documents existed and again knowingly and falsely claimed that no information about Teresa Vaughn could be shared with her family because of HIPAA.

56. On February 19, 2021, Rick Vaughn Jr wrote to Hedlund stating that he was the executor of Teresa's estate, that HIPAA did not apply to this matter, and if it did, he was waiving it. He again requested a copy of KCFD1's investigation that Hitchcock had confirmed was complete. Hedlund provided only a redacted copy of a run report, and again refused to even acknowledge that an investigation had occurred, let alone that a report existed.

57. Rick Vaughn Jr and attorney Hedlund continued to exchange correspondence into April 2021, Vaughn consistently seeking to obtain a copy of the investigation report in order ease the emotional distress and anxiety felt by all the family over Teresa's death. Hedlund continued to shift his reasons for not providing the family with the report, and in fact continued refusing to confirm whether the report or any other documents even existed.

58. On April 9, 2021, Hedlund wrote to Rick Vaughn Jr a final time, again knowingly giving fake reasons why KCFD1 would not acknowledge that an investigation about Teresa's death had been done. This time Hedlund said, with full knowledge of its falsity, that the Vaughn family was not entitled to the investigation report or any other documents because Rick Vaughn Jr had written that "members of this family are losing patience." A full year has passed since Hitchcock texted Larry Vaughn saying, "We've completed a case review of the incident in question..." and KDFD1 has still not provided that report to Teresa's family, with full knowledge of the fact that doing so inflicts further emotional distress upon the Vaughns and Vivian Kimbol.

FIRST CLAIM FOR RELIEF

Civil Rights Claim – 8th and/or 14th Amendments – 42 USC § 1983

59. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

60. Defendants Davis, Hitchcock, and John Does 1-3 were deliberately indifferent to known and obvious dangers to Teresa Vaughn, and violated her rights under the Eighth and/or Fourteenth Amendments of the U.S. Constitution by engaging in affirmative conduct that placed Teresa Vaughn in greater danger, in one or more of the following ways:

- a. In failing and refusing to provide Teresa Vaughn with prompt medical attention for her serious medical needs;
- b. In failing, and actually refusing, to ensure that Teresa Vaughn was safely transported a hospital;
- c. In failing and refusing to check Teresa Vaughn's vital signs or use a blood oximeter;
- d. In failing and refusing to treat Teresa Vaughn's serious medical needs;
- e. In failing and refusing to respond properly to the fact that Teresa Vaughn was having difficulty breathing and could not stand on her own;
- f. In failing and refusing to transport Teresa Vaughn from her apartment to Sky Lakes Medical Center in an ambulance with a paramedic providing constant medical care, and instead placing her in a private car driven by her roommate with no medical training and no ability to provide medical care along the way or reach the hospital in the same amount of time.

61. As a foreseeable and direct result of the actions and inactions of defendants as set forth in paragraphs 1-60, above, Teresa Vaughn endured and suffered severe physical and emotional distress, her medical condition was exacerbated, she was brain damaged to the point where she could never recover, and she died as a result.

62. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's

estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

63. The actions of Greg Davis, Matt Hitchcock, and John Does 1-3 were recklessly and deliberately indifferent to the civil rights of Teresa Vaughn, and callously disregarded Teresa Vaughn's physical safety, and punitive damages should be awarded in whatever amount the jury concludes is appropriate.

64. Plaintiffs are entitled to necessary and reasonable attorney fees and costs incurred in the prosecution of this action.

SECOND CLAIM FOR RELIEF

Civil Rights Claim – 8th and/or 14th Amendments – 42 USC § 1983

Monell Claims

65. Plaintiffs reallege and incorporates herein, as though set forth in full, all paragraphs above.

66. The moving forces that resulted in the deprivation of the Eighth and/or Fourteenth Amendment rights of Teresa Vaughn were the following policies, customs, or practices of KCFD1:

- a. A policy, custom or practice of providing insufficient medical care;
- b. A policy, custom or practice of refusing medical care and/or transport to Covid positive patients;
- c. A policy, custom or practice of failing to respond properly to Covid positive patients;
- d. A policy, custom or practice of failing to respond properly to patients experiencing shortness of breath;
- e. A policy, custom or practice of failing to respond properly to patients who KCFD1 staff perceive to be carrying an infectious disease;
- f. A policy, custom or practice of not having a Medical Director or disregarding the direction and training of the Medical Director;
- g. A policy, custom or practice of failing to meet the widely accepted community

standards of care with regard to refusing paramedic transportation to a hospital after a patient calls 911.

67. The policies of defendant KCFD1 posed a substantial risk of causing harm to any Covid positive citizen within the KCFD1 service boundaries, and KCFD1 was aware of that risk.

68. As a direct result of the policies customs or practices of KCFD1, Teresa Vaughn was not provided with timely medical care, but instead placed in greater danger by KCFD1. As a direct result of the policies customs or practices of KCFD1, Teresa Vaughn endured and suffered severe physical and emotional distress, her medical condition was exacerbated, she was brain damaged to the point where she could never recover, and she died as a result. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

69. The actions of defendant KCFD1 were recklessly indifferent to the civil rights of Teresa Vaughn, and callously disregarded Teresa Vaughn's physical safety, and punitive damages should be awarded in whatever amount the jury concludes is appropriate.

70. Plaintiff is entitled to necessary and reasonable attorney fees and costs incurred in the prosecution of this action.

THRID CLAIM FOR RELIEF

Civil Rights Claim – 8th and/or 14th Amendments – 42 USC § 1983

Supervisor Liability

71. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

72. Defendants Davis, Hitchcock, and John Does 3-5, in their supervisory capacities, were aware of the policies customs or practices as alleged in paragraphs 1-70, above, and were aware that said policies, customs or practices created a substantial risk of causing substantial harm to the citizens within the KDFD1 service boundaries by endangering their physical safety and their medical and mental health needs. Despite their knowledge, said supervisors allowed, approved, and

ratified said policies, customs, or practices.

73. Defendants Davis, Hitchcock and John Does 3-5, in their supervisor capacities, failed to adequately train KCFD1 employees:

- a. To provide people residing within KCFD1 with prompt medical attention for their serious medical needs;
- b. To respond properly to a citizen experiencing shortness of breath;
- c. To respond properly to a citizen with a contagious disease, including COVID;
- d. To recognize medical emergencies;
- e. To perform a screening of a patient's vital signs; and
- f. To transport people to the hospital if the person is or claims to be experiencing a medical emergency.

74. Defendants Davis, Hitchcock, and John Does 3-5 were aware that the failure to train as set forth in paragraphs 1-73, above, and created a substantial risk of causing harm to the citizens within the KDFD1 service boundaries.

75. As a direct result of the actions and inactions of defendants Davis, Hitchcock, and John Does 3-5, Teresa Vaughn endured and suffered severe physical and emotional distress, her medical condition was exacerbated, she was brain damaged to the point where she could never recover, and she died as a result. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

76. The actions of defendant KCFD1 were recklessly indifferent to the civil rights of Teresa Vaughn, and callously disregarded Teresa Vaughn's physical safety, and punitive damages should be awarded in whatever amount the jury concludes is appropriate.

77. The actions of defendants Davis, Hitchcock, and John Does 3-5, were recklessly indifferent to the civil rights of Teresa Vaughn, and callously disregarded Teresa Vaughn's physical safety, and punitive damages should be awarded in whatever amount the jury concludes is

appropriate.

78. Plaintiff is entitled to necessary and reasonable attorney fees and costs incurred in the prosecution of this action.

FOURTH CLAIM FOR RELIEF

Negligence

79. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

80. The actions of defendant KCFD1, acting by and through their employees and agents, were negligent in one or more of the following particulars:

- a. In failing and refusing to provide Teresa Vaughn with prompt medical attention for her open and obvious serious medical needs;
- b. In failing and refusing to ensure that Teresa Vaughn safely reached the hospital to see a doctor;
- c. In failing and refusing to perform a screening of Teresa Vaughn's vital signs;
- d. In failing and refusing to properly treat Teresa Vaughn's open and obvious serious medical needs;
- e. In failing and refusing to respond properly to the fact that Teresa Vaughn was suffering from shortness of breath and could not stand on her own; and
- f. In failing and refusing to transfer Teresa Vaughn by ambulance and under the care of a paramedic from her apartment to a hospital for diagnosis and treatment as her condition worsened.

81. The actions of defendants KCFD1, acting by and through their employees and agents, and defendants Davis, Hitchcock, and John Does 3-5, were negligent in one or more of the following particulars:

- a. In allowing, approving, and ratifying the policies, customs or practices as alleged above;
- b. In failing to adequately train KCFD1 employees to provide people residing within KCFD1 with prompt medical attention for their serious medical needs;

- c. In failing to adequately train KCFD1 employees to respond properly to a citizen experiencing shortness of breath;
- d. In failing to adequately train KCFD1 employees to recognize medical emergencies;
- e. In failing to adequately train KCFD1 employees to respond properly to a citizen with a contagious disease, including COVID-19; and
- f. In failing to adequately train KCFD1 employees to perform a screening of a patient's vital signs; and
- g. In failing to adequately train KCFD1 employees to transport people to the hospital if the person is or claims to be experiencing a medical emergency.

82. As a direct result of the actions and inactions of defendants, and each of them, Teresa Vaughn endured and suffered severe physical and emotional distress, her medical condition was exacerbated, she was brain damaged to the point where she could never recover, and she died as a result.

83. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

84. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

FIFTH CLAIM FOR RELIEF

Gross Negligence/Reckless Misconduct

85. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

86. The actions of defendant KCFD1, acting by and through their employees and agents, were negligent and acted with reckless misconduct in one or more of the following particulars:

- a. In failing and refusing to provide Teresa Vaughn with prompt medical attention

for her serious medical needs;

- b. In failing and refusing to ensure that Teresa Vaughn safely reached the hospital to see a doctor;
- c. In failing and refusing to perform a screening of Teresa Vaughn's vital signs;
- d. In failing and refusing to properly treat Teresa Vaughn's serious medical needs;
- e. In failing and refusing to respond properly to the fact that Teresa Vaughn was suffering from shortness of breath and could not stand on her own; and
- f. In failing and refusing to transfer Teresa Vaughn by ambulance and under the care of a paramedic from her apartment to a hospital for diagnosis and treatment as her condition worsened.

87. As a direct result of the misconduct of KCFD1, Teresa Vaughn endured and suffered severe physical and emotional distress, her medical condition was exacerbated, she was brain damaged to the point where she could never recover, and she died as a result. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

88. The actions of KCFD1 were grossly negligent, were recklessly indifferent to the civil rights of Teresa Vaughn, and callously disregarded Teresa Vaughn's physical safety, and punitive damages should be awarded in whatever amount the jury concludes is appropriate.

89. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

SIXTH CLAIM FOR RELIEF

Negligence/Lost Chance

90. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

91. The actions of defendant KCFD1, acting by and through their employees and agents,

were negligent in one or more of the following particulars:

- a. In failing and refusing to provide Teresa Vaughn with prompt medical attention for her serious medical needs;
- b. In failing and refusing to perform a screening of Teresa Vaughn's vital signs;
- c. In failing and refusing to respond properly to the fact that Teresa Vaughn was suffering from shortness of breath and could not stand on her own; and
- d. In failing and refusing to transport Teresa Vaughn from her apartment to Sky Lakes Medical Center in an ambulance with a paramedic providing constant medical care, and instead placing her in a private car driven by her roommate with no medical training and no ability to provide medical care along the way or reach the hospital in the same amount of time.

92. As a direct result of Defendants' negligence, Teresa Vaughn medical condition was exacerbated and she was deprived, on a more probable than not basis, of treatment which greater than 25% of the time provides patients like her with a better chance of (1) receiving oxygen and not going into cardiac arrest; (2) being immediately revived by trained paramedics using professional equipment rather than have her roommate try to perform chest compressions with one hand while driving with the other; (3) arriving at the hospital without ever having been deprived of oxygen and thus without any brain damage; (4) being cured.

93. Instead, Teresa Vaughn was brain damaged due to lack of oxygen on the trip to Sky Lakes Medical Center to the point where she could never recover, and she died as a result. She endured pain, anxiety, fear, emotional distress, and death. Teresa Vaughn's family has endured and suffered physical distress and severe emotional distress. They have been denied her love, society, and companionship. Teresa's Vaughn's estate incurred expenses for medical services, burial services, and memorial services. Teresa Vaughn's estate and her family are entitled to compensatory damages in whatever amount the jury concludes is appropriate.

94. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

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SEVENTH CLAIM FOR RELIEF

Intentional or Negligent Infliction of Emotional Distress

(Against All Defendants)

95. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

96. The actions of defendant KCFD1, acting by and through its employees and agents including its attorney Hedlund, were outrageous in the following respects:

- a. In failing and refusing to provide Teresa Vaughn with prompt medical attention for her serious medical needs;
- b. In failing and refusing to transport Teresa Vaughn from her apartment to Sky Lakes Medical Center in an ambulance with a paramedic providing constant medical care, and instead placing her in a private car driven by her roommate with no medical training and no ability to provide medical care along the way or reach the hospital in the same amount of time.
- c. By promising to be transparent with the Vaughn family and provide them with information about what happened to Teresa, including a copy of KCFD1's investigation report, while never intending to actually give the Vaughns any information at all; instead KCFD1 purposefully and knowingly cited fake and false reasons why it would not provide the promised information to plaintiffs, with full knowledge that doing so would inflict severe emotional distress upon them.

97. As a direct and proximate cause of Defendants' infliction of emotional distress, plaintiffs, and each of them, has suffered pain, anxiety, fearfulness, worry, depression, sleeplessness, and other severe emotional distress.

98. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

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EIGHTH CLAIM FOR RELIEF

Wrongful Death – ORS 30.020

(Against All Defendants Except Hedlund)

99. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

100. As a result of the fault and liability of the defendants, and each of them, Teresa Vaughn was killed and her estate sustained damages as outlined in the paragraphs above.

101. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

NINTH CLAIM FOR RELIEF

Survival Action – ORS 30.075

(Against All Defendants Except Hedlund)

102. Plaintiffs reallege and incorporate herein, as though set forth in full, all paragraphs above.

103. As a result of the fault and liability of the defendants, and each of them, Teresa Vaughn was underwent conscious physical and mental pain and suffering prior to her death, witnessed directly by Vivian Kimbol, Rick Vaughn Jr, and Debra Blank, while Larry Vaughn was present telephonically and heard all the sounds and felt all the emotions that come with watching through glass as Sky Lakes Medical staff repeatedly revived Teresa, and told the Family that Teresa experienced too much brain damage en route to ever recover, and that they needed to make a decision about “pulling the plug”.

104. The actions of KCFD1 callously disregarded Teresa Vaughn’s physical safety, and foreseeably caused emotional distress to plaintiffs Vivian Kimbol, Rick Vaughn Jr, Debra Blank, and Larry Vaughn. Said defendants are entitled to compensatory as well as punitive damages as well as their attorney fees and costs, which should be awarded in whatever amount the jury concludes is appropriate.

105. Prior to instituting this action, plaintiffs provided notice of this claim to Defendants, pursuant to ORS 30.275.

WHEREFORE, plaintiffs pray for judgment as follows:

On the First Claim for Relief, for judgment against defendants Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessary and reasonable attorney fees and costs;

On the Second Claim for Relief, for judgment against defendant KCFD1, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages against defendant KCFD1 in whatever amount the jury concludes is appropriate, and for necessary and reasonable attorney fees and costs;

On the Third Claim for Relief, for judgment against defendants Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessary and reasonable attorney fees and costs;

On the Fourth Claim for Relief, for judgment against defendants KCFD1, Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, and for necessarily and reasonably incurred costs;

On the Fifth Claim for Relief, for judgment against defendant KCFD1 for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessarily and reasonably incurred costs.

On the Sixth Claim for Relief, for judgment against defendants Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessary and reasonably incurred costs;

On the Seventh Claim for Relief, for judgment against defendants Hedlund, Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessary and reasonably incurred costs;

On the Eighth Claim for Relief, for judgment against defendants KCFD1, Davis,

Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, and for necessarily and reasonably incurred costs;

On the Ninth Claim for Relief, for judgment against defendants KCFD1, Davis, Hitchcock, and John Does 1-3, and each of them, for compensatory damages in whatever amount the jury concludes is appropriate, for punitive damages in whatever amount the jury concludes is appropriate, and for necessarily and reasonably incurred attorney fees and costs.

Demand for Jury Trial

DATED this 31st day of January 2022.

MYLANDER LAW

By: s/ Kirk W. Mylander
Kirk W. Mylander, OSB No. 993303
kmylander@cisoregon.org

Trial Attorney: Kirk W. Mylander

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Estate of Teresa Vaughn, Rick Vaughn Sr, Marjo Vaughn, Rick Vaughn Jr, Larry Vaughn, Debra Blank, Vivian
(b) County of Residence of First Listed Plaintiff Klamath
(c) Attorneys (Firm Name, Address, and Telephone Number)
Kirk Myalnder
Mylander Law
23180 SW Greengate Pl

DEFENDANTS
Klamath County Fire District No. 1; Gregory Davis, Fire Chief KCFD1; Matthew Hitchcock, Assistant Fire Chief
County of Residence of First Listed Defendant Klamath
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)
Luke Reese
Garrett Hemann Robertson, P.C.
PO Box 749

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Contract, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec 1983
Brief description of cause:
Violation of patient's civil rights by paramedics

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ 12,000,000
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE Jan 31, 2022
SIGNATURE OF ATTORNEY OF RECORD /s/ Kirk W. Mylander

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.